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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,445	03/17/2004	Roman F. Striebel	6623-119	3528
26486	7590	11/30/2005	EXAMINER	
PERKINS, SMITH & COHEN LLP ONE BEACON STREET 30TH FLOOR BOSTON, MA 02108			LANGDON, EVAN H	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/802,445	Applicant(s) STRIEBEL ET AL.	
	Examiner Evan H. Langdon	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10-32 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards to claim 10, the limitation “affecting” on line 8 renders the claim indefinite. It is not understood what is meant by affecting.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-6, 8, 10-14 and 22-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Buchanan (US 2,463,144).

Buchanan discloses a wire attachment assembly, comprising:

a collar 1 including a center aperture dimensioned to receive a portion of a wire, a threaded portion 5, and a tapered internal recess;

a cylindrical member 20 including a threaded end engaging the threaded portion of the collar; and

a tapered wedge 8 disposed between the collar and cylindrical member, and including a center aperture dimensioned to receive the portion of the wire and a groove extending along the length of the wedge such that when the cylindrical member 20 and collar are 1 screwed together the tapered internal recess of the collar compresses the tapered wedge about the portion of the wire.

In regards to claim 4, Buchanan discloses the cylindrical member 20 further includes a center recess dimensioned to receive a portion of the wire, as seen in Figure 5.

In regards to claim 6, Buchanan discloses comprising means 24 for attaching the cylindrical member to a surface.

In regards to claim 8, Buchanan discloses the inner surface of the wedge 8 includes means 9 for increasing friction between the wedge and the wire.

In regards to claim 10, Buchanan discloses a wire attachment and tensioning device, comprising:

a rigid body 20 having a threaded end;

means 8 for attaching a portion of a wire to the rigid body; and

a tensioning assembly 1 rotatably attached to a support surface and including a threaded end 5 to receive the threaded end of the rigid body 20 such that rotating the tensioning assembly 1 adjusts the distance of the portion of the wire attaching means from the support surface.

In regards to claims 11 and 12, Buchanan discloses a hole 4 for turning the tensioning assembly with a tool.

In regards to claim 14, Buchanan discloses a locking means 26 for locking the position of the tensioning assembly with respect to the wire attachment means.

In regards to claim 22, Buchanan discloses a cylindrical member 1 including a feature 4 allowing rotation of the member with a tool and a first threaded end 5 and a second threaded end 5, the first end being the threaded end receiving the threaded end of the rigid body 20;

a threaded member protruding from the support surface engaging the second threaded end of the cylindrical member.

In regards to claim 23, Buchanan discloses a collar 1 including a center aperture dimensioned to receive the portion of the wire, a threaded portion 5, and tapered internal recess, and a tapered wedge 8 disposed between the collar 1 and the rigid body 20, and including a center aperture dimensioned to receive the portion of the wire and a groove extending along the length of the wedge;

wherein the rigid body further includes a second threaded end engaging the threaded portion of the collar such that when the rigid body and collar are screwed together the tapered internal recess of the collar compresses the tapered wedge about the portion of the wire.

In regards to claim 28, Buchanan discloses the inner surface 9 of the wedge 8 has features for increasing the friction between the wedge and the wire.

Claims 1, 4-6, 8, 29 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Scotti (US 4,627,762).

Scotti discloses a wire attachment assembly, comprising:

a collar 3 including a center aperture dimensioned to receive a portion of a wire, a threaded portion 5, and a tapered internal recess;

a cylindrical member 15 including a threaded end engaging the threaded portion of the collar; and

a tapered wedge 10 disposed between the collar and cylindrical member, and including a center aperture dimensioned to receive the portion of the wire and a groove extending along the length of the wedge such that when the cylindrical member 15 and collar are 3 screwed together the tapered internal recess of the collar compresses the tapered wedge about the portion of the wire.

In regards to claim 4, Scotti discloses the cylindrical member 20 further includes a center recess dimensioned to receive a portion of the wire, as seen in Figure 1.

In regards to claim 6, Scotti discloses comprising means 16 for attaching the cylindrical member to a surface.

In regards to claim 8, Scotti discloses the inner surface of the wedge 10 includes means 9 for increasing friction between the wedge and the wire.

Claims 10-12, 14, 31 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson (US 2003/0178611 A1).

Anderson discloses a wire attachment and tensioning device, comprising:

a rigid body 14 having a threaded end;

means for attaching 12, 13 (paragraph 17) a portion of a wire to the rigid body; and

a tensioning assembly 14, 16 rotatably attached to a support surface and including a

threaded end 15 to receive the threaded end of the rigid body 14 such that rotating the tensioning

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assembly adjusts the distance of the portion of the wire attaching means from the support surface.

In regards to claims 11-12, Anderson discloses a hole 17 for turning the tensioning tool and a shoulder.

In regards to claim 14, Anderson teaches a means for locking 25.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchanan in view of Sanders (US 3,278,210).

Sanders teaches a collar having a hexagonally shaped outer surface 14.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the collar of Buchanan to include a hexagonal shape as suggested by Sanders, to grip the surface more easily.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scotti in view of Sanders (US 3,278,210).

Sanders teaches a collar having a hexagonally shaped outer surface 14.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the collar of Scotti to include a hexagonal shape as suggested by Sanders, to grip the surface more easily.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Sanders (US 3,278,210).

Sanders teaches a collar having a hexagonally shaped outer surface 14.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the collar of Scotti to include a hexagonal shape as suggested by Sanders, to grip the surface more easily.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scotti (US 4,627,762) in view of Burtelson (US 3,895,879).

Burtelson teaches a wire attachment assembly having an attachment through a support member.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wire attachment assembly of Scotti to include attaching means for attaching through a support as suggested by Burtelson, to provide increased support to the cantilever end.

Claims 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over of Anderson (US 2003/0178611 A1) in view of McCown (US 3,652,049).

Buchanan disclose a cylindrical member including a feature allowing rotation of the member with a tool and a first threaded end and a second threaded end, the first end being the

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threaded end receiving the threaded end of the rigid body, and a threaded swivel for engaging the cylindrical member.

McCown teaches a swivel 6, 8 engaging the cylindrical member;

a mounting plate 1 including a center aperture through which the threaded swivel and cylindrical member are engaged, and an internal recess 1a for rotatably receiving the threaded swivel; and means 3 for fastening the plate to the support surface, the swivel having a hemispherical surface.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the swivel engagement of Buchanan to include a universal ball joint as suggested by McCown, to provide free range of motion of the rod, as is widely known in the art.

Claims 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over of Anderson (US 2003/0178611 A1) in view of McCown (US 3,652,049).

Anderson disclose a cylindrical member including a feature allowing rotation of the member with a tool and a first threaded end and a second threaded end, the first end being the threaded end receiving the threaded end of the rigid body, and a threaded swivel for engaging the cylindrical member.

McCown teaches a swivel 6, 8 engaging the cylindrical member;

a mounting plate 1 including a center aperture through which the threaded swivel and cylindrical member are engaged, and an internal recess 1a for rotatably receiving the threaded swivel; and means 3 for fastening the plate to the support surface, the swivel having a hemispherical surface.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the swivel engagement of Anderson to include a universal ball joint as suggested by McCown, to provide free range of motion of the rod, as is widely known in the art.

Claims 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Scotti.

Scotti teaches a collar 3 including a center aperture dimensioned to receive the portion of the wire, a threaded portion 5, and tapered internal recess; and

a tapered wedge 10 disposed between the collar 3 and a rigid body 15, and including a center aperture dimensioned to receive the portion of the wire and a groove extending along the length of the wedge;

wherein the rigid body further includes a second threaded end engaging the threaded portion of the collar such that when the rigid body and collar are screwed together the tapered internal recess of the collar compresses the tapered wedge about the portion of the wire.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wire attachment 12, 13 of Anderson to include a collar and a tapered wedge as suggested by Scotti, to securely hold a wire.

In regards to claims 24 and 25, Anderson as modified by Scotti teaches the collar includes a shoulder 4 and cylindrical member includes a shoulder 14.

In regards to claim 26, Scotti discloses the cylindrical member 20 further includes a center recess dimensioned to receive a portion of the wire, as seen in Figure 1.

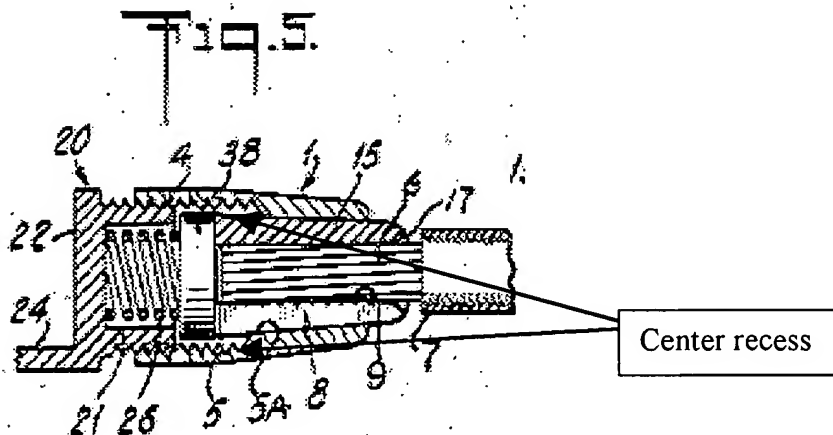
In regards to claim 28, Scotti discloses the inner surface of the wedge 10 includes means 9 for increasing friction between the wedge and the wire.

Response to Arguments

Applicant's arguments filed 06 October 2005 have been fully considered but they are not persuasive.

In regards the argument in the first paragraph of page 10 of the response that Buchanan has additional structure not required by Applicant's invention, it must be noted that Buchanan discloses the reference as claimed. The fact that it discloses additional structure not claimed is irrelevant.

In regards to the argument of claim 4 on page 10, see below.

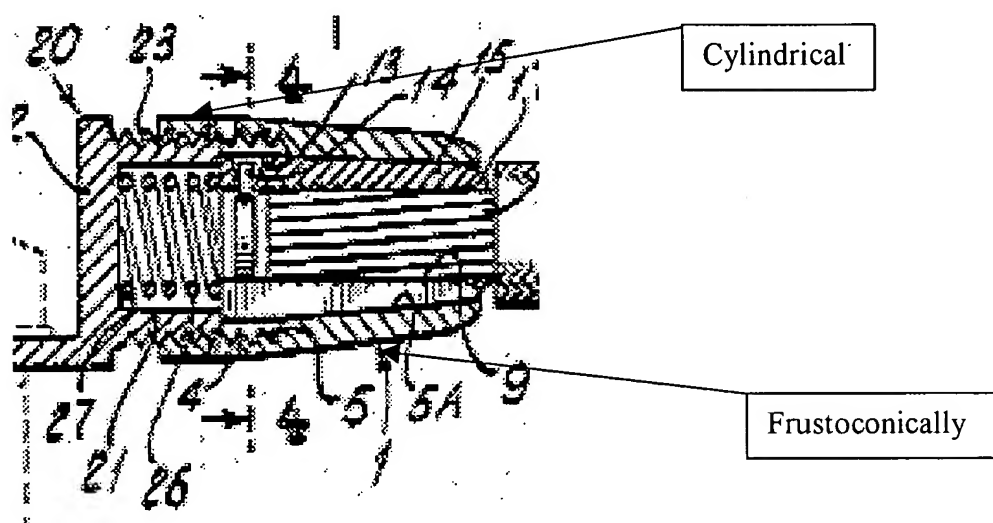


In response to applicant's argument that the references fail to show certain features of applicant's invention in the first paragraph of page 11, it is noted that the features upon which

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applicant relies (i.e., the tension assembly is independent from the means for attaching the wire to the rigid body) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In regards to the argument on page 12 first paragraph, see below.



In response to applicant's argument that the references fail to show certain features of applicant's invention in the second paragraph of page 12, it is noted that the features upon which applicant relies (i.e., rigid body having a threaded end receiving the tensioning assembly) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claim recites, "a tension assembly rotatably

attached to a support surface and including a threaded end to receive the threaded end of the rigid body.

In regards to the argument on page 13, Anderson teaches the wire 13 is connected to the rigid body 14 via the tensioning device 16.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H. Langdon whose telephone number is (571)272-6948. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Kathy Matecki
KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600